

Docket No.: 1248-0756PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toru UEDA et al.

Application No.: 10/512,052

Confirmation No.: 8419

Filed: October 21, 2004

Art Unit: ~~2623~~ 2426

For: CONTENT SELECTION METHOD,
CONTENT SELECTION REQUESTING
STATION, CONTENT PROVIDING STATION,
CONTENT SWITCHING INSTRUCTION
DEVICE, PROGRAM, COMPUTER-
READABLE RECORDING MEDIUM
STORING THE PROGRAM, AND NETWORK
SYSTEM

Examiner: B. J. Rustemeyer

AMENDMENT AFTER FINAL ACTION UNDER 37 C.F.R. 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 16, 2008, finally rejecting claims 1-23 and 25-36, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 14 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A content selection method for selecting a content or content providing device from among a plurality of contents or content providing devices, in which a content selection requesting station selects from among a plurality of content providing stations having the contents or content providing devices, comprising :

the content selection requesting station storing a selection rule for selecting from among the content providing stations;

transmitting a content switching instruction to the content selection requesting station in accordance with operation of ~~the~~ an operator; and

the content selection requesting station, which has received the content switching instruction, transmitting the content switching instruction to a content providing station,

wherein, the content providing station stores a selection order management table indicative of an order for selecting from among the plurality of contents or content providing devices, and switches the content or content providing device to be selected, every time the same operation of the operator is performed, the content providing station refers to the selection order management table and switches the content or content providing device to be selected to a content or content providing device of an order following an order of a currently selected content or content providing device in the selection order management table in a case where the content or content providing device of the order following the order of the currently selected content or content providing device is present in the selection order management table.

2. (Previously presented) The method as set forth in Claim 1, further comprising:

sending back the content held by the content providing station, from the content providing station that has received the content switching instruction, to the content selection requesting station.

3. (Currently amended) The method as set forth in Claim 1, further comprising:

the content selection requesting station storing information for specifying a content providing station and an associated content providing device that have been most recently selected by the content selection requesting station; and

the content selection requesting station resuming, in accordance with the information for specifying the content providing station and the associated content providing device that have been most recently selected by the content selection requesting station, connection with the content providing station and the associated content providing devices that have been most recently selected by the content selection requesting station, if the content selection requesting station has previously received a content from the associated content providing device of the content providing station and the connection has been stopped.

4. (Currently amended) The method as set forth in Claim 1, further comprising:

the content selection requesting station storing information for specifying a content providing station that has been most recently selected by the content selection requesting station;

the content providing station storing information for specifying an associated content or content providing device that has been most recently selected by the content selection requesting station; and

resuming, in accordance with these sets of the information for specifying the content providing station that has been most recently selected by the content selection requesting station and the information for specifying the associated content or content providing device that has been most recently selected by the content selection requesting station, connection between the content selection requesting station and the content providing station that has been most recently selected by the content selection requesting station, if the content selection requesting station has previously received the associated content from the content providing station and the connection has been stopped, or if the content selection requesting station has previously received a content

from the content providing device of the content providing station and the connection has been stopped.

5. (Previously presented) The method as set forth in Claim 4, wherein:

if explicitly disconnected by the content selection requesting station, or if having performed no video transmission to the content selection requesting station for a certain period from a last time the content providing station has performed video transmission to the content selection requesting station, the content providing station erases the information, which is stored by the content providing station, for specifying the content or content providing device that has been most recently selected by the content selection requesting station.

6. (Previously presented) The method as set forth in Claim 5, wherein:

if having performed no video transmission to the content selection requesting station for a certain period from a last time it has performed video transmission to the content selection requesting station, the content providing station erases the information, which it stores, for specifying the content or content providing device that has been most recently selected by the content selection requesting station.

7. (Previously Presented) The method as set forth in Claim 2, wherein:

the content providing station transmits, to the content selection requesting station, information regarding a content that is to send back to the content selection requesting station.

8. (Previously presented) The method as set forth in Claim 2, wherein:

the content providing station transmits, to the content selection requesting station, information regarding a content or content providing device that is available to be selected next by the content selection requesting station.

9. (Previously presented) The method as set forth in Claim 2, wherein:

the content providing station transmits, to the content selection requesting station, information regarding a content or content providing device that is available to be selected by the content selection requesting station.

10. (Currently Amended) The method as set forth in Claim 1, wherein:

at least two content providing stations are targeted for selection;

the selection rule regarding the at least two content providing stations, which is stored in the content selection requesting station, is to reselect a content providing station that has been selected first, after selection of each of the at least two content providing stations targeted for selection is performed in turn ~~more than once~~ in accordance with the selection rule.

11. (Previously presented) The method as set forth in Claim 1, wherein:

if there still remains a content or content providing device to select, the thus selected one of the content providing stations selecting, in accordance with a predetermined content selection rule, a content or content providing device to select next, and the thus selected one of the content providing stations transmitting what is contained in the content or content providing device to select next, to the content selection requesting station; and

if there remains no content or content providing device that is to select, the thus selected one of the content providing stations transmitting information that there remains no content or content providing device to select.

12. (Previously presented) The method as set forth in Claim 1, wherein:

when receiving the information that there remains no content or content providing device to select, the content selection requesting station changes a content providing station connected to the content selection requesting station, in accordance with the selection rule for selecting from among the content providing stations.

13. (Previously presented) The method as set forth in Claim 1, further comprising:

the content selection requesting station confirming (i) a communication state regarding communication between the content selection requesting station and the thus selected one of the content providing stations, and (ii) a response state regarding responding from the thus selected one of the content providing stations; and

if the communication state is less than a level, the content selecting requesting station selecting a different content providing station to select next in accordance with the selection rule for selecting from among the content providing stations.

14. (Previously presented) The method as set forth in Claim 2, wherein:

the content providing station confirming (i) a communication state regarding communication between the content providing station and a content that is to send back and (ii) a response state regarding responding with respect to the content that is to send back; and if the communication state is less than a level, the content providing station sending back a content that is to be selected next in accordance with a predetermined content selection rule.

15. (Previously presented) The method as set forth in Claim 2, wherein:

in the case where bandwidth available for communication between the content selection requesting station and the content providing station is narrower than bandwidth necessary for transmitting a content that the content providing station is about to send back, the content

providing station transmitting a content that is to be selected next to the content that the content providing station is about to send back, in accordance with the a predetermined content selection rule.

16. (Previously presented) The method as set forth in Claim 2, wherein:

in a state where a content that the content providing station is about to send back is in use, the content providing station sending back a content that is to be selected next to the content that the content providing station is about to send, in accordance with a predetermined content selection rule.

17. (Previously presented) The method as set forth in Claim 16, wherein:

the state where the content is in use is a state where the content is being used by another content selection requesting station, or a state where a user on the content providing station side is using the content without using the content selection requesting station.

18. (Previously presented) The method as set forth in Claim 1, further comprising:

the content selection requesting station confirming (i) a communication state regarding communication between the content selection requesting station and the thus selected one of the content providing stations, and (ii) a response state regarding responding from the thus selected one of the content providing stations; and

if the communication state is less than a level, the content selection requesting station providing, to the operator, information that the communication state is less than the level.

19. (Previously presented) The method as set forth in Claim 1, further comprising:

the content providing station confirming (i) a communication state regarding communication between the content providing station and the content providing device thus selected, and (ii) a response state regarding responding with respect to the content providing device thus selected;

if the communication state is less than a level, the content providing station transmitting, to the content selection requesting station, information that the communication state is less than the level;

the content selection requesting station receiving the information; and

the content selection requesting station providing, to the operator, information that the communication state between the content providing station and the content providing device thus selected is less than the level.

20. (Previously presented) The method as set forth in Claim 13, wherein:

the state where the communication state is less than the level is a state where communication is possible but one of electric wave strength, the response state, and a communication error ratio is less than the level.

21. (Previously presented) The method as set forth in Claim 13, wherein:

the state where the communication state is less than the level is (i) a state where a station at the other end is not turned on, (ii) a state where no response is received because the station at the other end becomes too distant, or (iii) a state where the thus selected one of the content providing stations is physically disconnected from the content providing device.

22. (Previously presented) The method as set forth in Claim 18, wherein:

in providing, to the operator, information that the communication state between the content selection requesting station and the selected one of the content providing stations is less than the level, when the communication level is as such,

the content selection requesting station distinctly informing the operator whether the communication state is (A) a communication state where communication is possible but one of electric wave strength, the response state, and a communication error ratio is less than the level, or (B) a communication state where (i) a station at the other end is not turned on, (ii) no response is received because the station at the other end becomes too distant, or (iii) the content providing device is physically disconnected.

23. (Previously presented) The method as set forth in Claim 19, wherein:

in providing, to the operator, information that the communication state between the content selection requesting station and the content providing device thus selected is less than the level, when the communication level is as such,

the content selection requesting station distinctly informing the operator whether the communication state is (A) a communication state where communication is possible but one of electric wave strength, the response state, and a communication error ratio is less than the level, or (B) a communication state where (i) a station at the other end is not turned on, (ii) no response is received because the station at the other end becomes too distant, or the content providing device is physically disconnected.

24. (Canceled)

25. (Previously presented) The method as set forth in Claim 1, wherein:

the content selection requesting station includes means which controls switching of an external connection device for a display device on which the content received by the content selection requesting station is to be displayed;

if the content selection requesting station is selected as the external connection device for the display device when the content selection requesting station receives the content switching instruction entered by the operator, the content selection requesting station performs content selection or content providing device selection; and

if all contents or content providing devices are selected once, or if a station other than the content selection requesting station is selected as the external connection device for the display device, the switching of the external connection device is carried out.

26. (Previously presented) The method as set forth in Claim 1, wherein:

the selection rule is stored only in the content selection requesting station; and

the content or content providing device is held only by the content providing station.

27. (Currently Amended) A content selection method in which in accordance with a request from a content selection requesting station, a content providing station selects a content from among a plurality of contents that the content providing station has ~~have~~ and sends back the selected content to the content selection requesting station, the method comprising:

the content providing station storing a control signal for the content that the content providing station has; and

if the content to be sent back is not available for viewing, the content providing station transmitting the control signal to the content so as to cause the content to be available for viewing,

the content providing station receiving a content switching instruction from the content selection requesting station in accordance with operation of ~~the~~ an operator; and

wherein, the content providing station stores a selection order management table indicative of an order for selecting from among the plurality of contents and, every time the same operation of the operator is performed, the content providing station refers to the selection order management table and switches the content to be sent back to a content of an order following an order of a currently selected content in the selection order management table in a case where the content of the order following the order of the currently selected content is present in the selection order management table, ~~every time the same operation of the operator is performed.~~

28. (Currently Amended) A content selection method in which in accordance with a request from a content selection requesting station, a content providing station selects a content from among a plurality of contents that the content providing station has ~~have~~ and sends back the selected content to the content selection requesting station, the method comprising:

the content providing station storing a control signal for the content that the content providing station has; and

when the content to be sent back is changed from a first content to a second content, the content providing station transmitting a control signal to the first content so as to cause the first content to be not in use,

the content providing station receiving a content switching instruction from the content selection requesting station in accordance with operation of the operator; and

wherein, the content providing station stores a selection order management table indicative of an order for selecting from among the plurality of contents and, every time the same operation of the operator is performed, the content providing station refers to the selection order management table and switches the content to be sent back to a content of an order following an order of a currently selected content in the selection order management table in a case where the

content of the order following the order of the currently selected content is present in the selection order management table, every time the same operation of the operator is performed.

29. (Previously presented) A content selection requesting station which selects a desired content or content providing device from among contents or content providing devices that a plurality of content providing stations have, wherein:

the content selection requesting station transmits a content switching instruction to the content providing station according to the method as set forth in claim 1.

30. (Previously presented) A content providing station which, when selected by a content selection requesting station, transmits, to the content selection requesting station, what is contained in the content or content providing device that the content providing station has, wherein:

the content providing station receives a content switching instruction from the content selection requesting station according to the method as set forth in Claim 1.

31. (Previously presented) A content switching instruction device for use in the method as set forth in Claim 1, which transmits, to a content selection requesting station, a content switching instruction given by an operator.

32. (Previously presented) The content switching instruction device as set forth in Claim 31, wherein

the content switching instruction device transmitting the content switching instruction given by the operator, without using the content selection requesting station.

33. (Previously Presented) A program for causing a computer to implement the method as set forth in Claim 1.

34. (Previously Presented) A computer-readable recording medium storing a program for causing a computer to implement the method as set forth in Claim 1.

35. (Currently amended) A network system having content selection requesting station, and a plurality of content providing stations wherein the method as set forth in Claim 1 is performed,

the content selection requesting station selecting a desired content from among contents that the content providing stations have,

the content selection requesting station transmitting a content switching instruction to each of content providing stations according to the method as set forth in claim 1,

each of the content providing stations, when selected by a the content selection requesting station, transmitting to the content selection requesting station, what is contained in content that the content providing station has,

each of the content providing ~~station~~ stations receiving the content switching instruction from the content selection requesting station according to the method as set forth in Claim 1.

36. (Currently Amended) The method as set forth in claim 1, further comprising:

the content selection requesting station storing information for specifying a content providing station and an associated content that have been most recently selected by the content selection requesting station; and

the content selection requesting station resuming, in accordance with the information for specifying the content providing station and the associated content that have been most recently

selected by the content selection requesting station, connection with the content providing station and the content providing devices having the associated content that have been most recently selected by the content selection requesting station, if the content selection requesting station has previously received the associated content of the content providing station and the connection has been stopped.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-23 and 25-36 are pending prior to the Office Action. No claims have been added and no claims have been canceled through this reply. Therefore, claims 1-23 and 25-36 are pending. Claims 1 and 27-28 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

Claim Rejection - 35 U.S.C. § 112

Claims 3-6, 10, and 35-36 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. Applicants have amended claims in order to remove any alleged indefiniteness. Accordingly, Applicants the rejection to claims should be withdrawn.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1-14, 16-23, 25-26, and 29-36 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield et al. (U.S. Patent Application No. 2003/0105763 A1) in view of Whiting (U.S. Patent Application No. 2002/0156552 A1). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield and Whiting in view of Tracton et al. (U.S. Patent Publication 2005/0114445 A1). Claims 27-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield and Whiting in view of Kenner et al. (U.S. Patent No. 6,269,394). Applicants respectfully traverse this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Argument: Features of claims 1 and 27-28 not taught:

Applicants have amended independent claims merely to further clarify the invention in order to move prosecution forward. Independent claims 1 and 27-28 has been amended to include additional limitations. For example, independent claim 1 as amended recites, *inter alia*, “wherein, the content providing station stores a selection order management table indicative of an order for selecting from among the plurality of contents or content providing devices, and every time the same operation of the operator is performed, the content providing station refers to the selection order management table and switches the content or content providing device in the selection order management table in a case where the content or content providing device of the order following the order of the currently selected content or content providing device is present in the selection order management table.”

Applicants have amended independent claims in order to clarify the claimed invention wherein a content or content providing device to be switched to, is determined in accordance with a selection order management table stored in a content providing station and a currently selected content or content providing device (support: line 16 of page 80 through line 14 of page 81, line 11 of page 83 through line 5 of page 84, line 9 of page 85 through line 7 of page 86, and Figures 16, 20, and 22).

The combination of Chatfield, Whiting, Kenner, individually or in any combination, do not disclose that the content providing station stores and refers to a selection order management table indicating an order for selecting a content from among the plurality of contents or a content providing device from among a plurality of content providing devices, so as to determine, in accordance with an order of a currently selected content or content providing device in the selection order management table, a content or content providing device to be switched to, as now claimed in independent claims 1 and 27-28.

Claims 1 and 27-28 as amended are submitted to be allowable over cited prior art for at least this reason.

Dependent claims are allowable for the reasons set forth above with regards to independent claims at least based on their dependency on the independent claims.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1-23 and 25-36 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1-23 and 25-36 are respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Chatfield, Whiting, and Kenner, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-23 and 25-36 are distinguishable over the cited references.

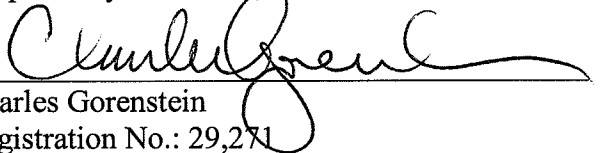
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 15, 2008

Respectfully submitted,

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